

(English version)

**Question for written answer E-001712/24
to the Commission
Vicent Marzà Ibáñez (Verts/ALE)
(13 September 2024)**

Subject: Addressing drug-facilitated sexual assault: a call for enhanced EU measures in light of the Pelicot case

The ongoing Pelicot trial (which commenced on 2 September 2024) has highlighted a deeply troubling issue: drug-facilitated sexual assault. This case, involving the use of drugs to incapacitate and sexually abuse victims, underscores the severe and insidious nature of such crimes. It serves as a stark reminder of the urgent need for a robust and comprehensive response from the EU in its fight against violence towards women.

Given the significance of the Pelicot case:

1. How does the Commission assess the relevance of drug-facilitated sexual assaults, such as those highlighted in the Pelicot case, in the context of EU-wide efforts to combat gender-based violence, including through the Commission's Gender Equality Strategy 2020-2025 and the Victims' Rights Directive?
2. Drug-facilitated sexual assault is not explicitly addressed in the proposed EU directive on combating violence against women and domestic violence ⁽¹⁾. Does the Commission intend to explore legal harmonisation or specific provisions in this directive, to better address drug-facilitated sexual assault?
3. In the context of ongoing EU efforts to strengthen cooperation and support for victims of gender-based violence, how will the Commission ensure that lessons from the Pelicot case are incorporated into EU strategies such as the strategy on victims' rights (2020-2025) and the work of the European Institute for Gender Equality?

Submitted: 13.9.2024

**Answer given by Ms Dalli on behalf of the European Commission
(27 November 2024)**

The Commission is very concerned about the numerous reports of drug-facilitated sexual violence, both where the perpetrator administers substances with the intention to commit sexual violence, as where the perpetrator abuses the state of the victim following substance abuse.

In its proposal for a directive on violence against women and domestic violence, the Commission had proposed a definition of rape based on consent ⁽¹⁾.

This definition also underlined that there is no consent in any case when the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of unconsciousness or intoxication.

The co-legislators were not able to agree on this definition, which is therefore not included in the directive which was adopted in May 2024 ⁽²⁾.

The Commission will carry out an evaluation of the impact of the directive based on information provided by the Member States by June 2032 and submit a report to the European Parliament and the Council. That report shall be accompanied by a legislative proposal, if necessary.

The Commission will also continue to work closely with the Member States and its partners to continue the fight against all forms of violence against women and domestic violence, drug-facilitated or otherwise.

It will continue to share best practices in the area of violence against women through its Mutual Learning Programme ⁽³⁾ as well as the new European Network on the prevention of gender-based violence.

¹ Proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (COM/2022/0105).

⁽¹⁾ Proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (COM/2022/0105).

⁽²⁾ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401385&qid=1716884102079

⁽³⁾ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/who-we-work-gender-equality/mutual-learning-programme-gender-equality_en